

EXHIBIT B

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**SIA HENRY, MICHAEL
MAERLANDER, BRANDON
PIYEVSKY, KARA SAFFRIN, and
BRITTANY TATIANA WEAVER,
individually and on behalf of all others
similarly situated,**

Case No. 1:22-cv-00125

Plaintiffs,

Judge Matthew F. Kennelly

v.

**BROWN UNIVERSITY,
CALIFORNIA INSTITUTE OF
TECHNOLOGY, UNIVERSITY OF
CHICAGO, THE TRUSTEES OF
COLUMBIA UNIVERSITY IN THE
CITY OF NEW YORK, CORNELL
UNIVERSITY, TRUSTEES OF
DARTMOUTH COLLEGE, DUKE
UNIVERSITY, EMORY
UNIVERSITY, GEORGETOWN
UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU
LAC, THE TRUSTEES OF THE
UNIVERSITY OF PENNSYLVANIA,
RICE UNIVERSITY, VANDERBILT
UNIVERSITY, AND YALE
UNIVERSITY,**

Defendants.

**DECLARATION OF ROBERT D. GILBERT IN SUPPORT OF
MOTION TO APPOINT INTERIM CO-LEAD CLASS COUNSEL**

I, Robert D. Gilbert, declare:

1. Gilbert Litigators & Counselors (GLC) is a national litigation boutique that focuses on very substantial commercial cases. The Firm's founding partners are myself and Elpidio ("PD")

Villarreal. I am a 1982 graduate of the Yale Law School, where I was Senior Editor of the Yale Law Journal. For more than three decades, my practice concentrated on large complex commercial litigation and arbitration, and for approximately two decades I was an equity partner and a lead trial lawyer at AmLaw 100 firms, including at Mayer Brown and Dentons.

2. I have very extensive litigation experience concerning disputes in which hundreds of millions of dollars or billions of dollars are in dispute. As lead counsel, I have represented several Fortune 100 and large multinational corporations including Samsung, General Electric, Hyundai Heavy Industries, and GlaxoSmithKline in commercial litigation or commercial arbitration disputes, including the representation of Samsung as lead counsel in a multi-billion dollar arbitration with SanDisk while I was a partner at Mayer Brown. I have repeatedly been selected as a New York Super Lawyer for commercial litigation, and my litigation approach has been described by the Legal 500 as “creative, thorough and aggressive.” In the mid-1990s, while Litigation Counsel at General Electric’s Corporate Headquarters, I managed and directed the defense of GE in a major antitrust case that alleged collusion among GE, Westinghouse and Square D in the national circuit breaker market. In re Circuit Breaker Litigation, 984 F. Supp. 1267 (C.D. Cal. 1997).

3. I have been deeply engaged in, and invested several hundreds of hours in, investigating the facts, analyzing those facts and their economic impacts, generating extensive original ideas and original intellectual content concerning bases of liability and damages, and refining those ideas concerning the liability and potential damages exposure of the sixteen defendants in this case. Over the past 13 months, I have assembled the proposed interim co-lead counsel team with an extraordinary breadth and depth of legal, subject matter, antitrust, class

action, and Seventh Circuit expertise as further described in the declarations of Eric Cramer, Kyle Roche, and Elizabeth Fegan.

Elpidio Villarreal

4. I have worked with or collaborated professionally with Elpidio “PD” Villarreal on a range of matters over the past 26 years, and he is now a partner in Gilbert Litigators & Counselors. Mr. Villarreal is a 1985 graduate of Yale Law School, who began his distinguished career as a Seventh Circuit clerk. He has over 35 years of litigation experience, as a former partner at major national law firm Sonnenschein, Nath & Rosenthal (now part of Dentons) and as chief of litigation for several large multinational companies for almost two decades, including the global head of litigation for GlaxoSmithKline (“GSK”) for approximately a decade. He has lectured about litigation, conflict resolution and diversity at multiple elite universities, including Harvard Law School, Yale Law School, Stanford Law School, NYU Stern School of Business, and Notre Dame Mendoza College of Business. At Stern, he also lectures on leadership. In 2016, the Financial Times awarded global recognition to GSK as the “Litigation Team of the Year.” Harvard Law School and Harvard Business School each published a separate case study concerning Mr. Villarreal’s innovative work in early dispute resolution, and their respective faculties each taught those case studies for several years.

5. Mr. Villarreal has particularly deep experience in complex litigation, including class actions, antitrust, product liability, intellectual property, and commercial litigation. He has managed a wide variety of significant antitrust and other actions involving GSK pharmaceutical products such as Asacol, Avandia, Lamictal, Namenda, and Paxil where the claimed damages in each litigation were many billions of dollars. He managed multiple leading national defense counsel, created litigation strategy and saw that it was implemented, analyzed voluminous

documents, edited memoranda of law prepared by leading law firms, led difficult negotiations to resolve the litigations, attended numerous contested proceedings in federal courts, in depositions, and took the leading role at settlement conferences on these multi-billion dollar matters.

6. Mr. Villarreal has very extensive experience in resolving multi-billion dollar class actions including multi-billion antitrust class actions. His vast experience includes the following:

- *In re Avandia Marketing, Sales Practices & Products Liability Litigation*, see, e.g. 484 F. Supp. 3d (E.D. Pa. 2020).
- *In re Lamictal Direct Purchaser Antitrust Litigation*, see, e.g. 957 F.3d 184 (3d Cir. 2020).
- *In re Namenda Direct Purchaser Antitrust Litigation*, see, e.g., 331 F. Supp. 3d 152 (S.D.N.Y. 2018).
- *In re Asacol Anitrust Litigation*, see e.g. 907 F. 3d 42 (1st Cir. 2018).
- *In re Paxil Litigation* in several federal and state forums.

Robert Raymar

7. I have known Robert Raymar for more than 45 years and was his law partner in the early 1990s. Since that time, we have collaborated on a range of complex litigation matters. Mr. Raymar, now Special Counsel for Gilbert Litigators & Counselors, has had a long and distinguished legal career. After graduating from Yale Law School in 1972, where he was an Editor of the Yale Law Journal, he became a law clerk to Judge Leonard Garth of the United States District Court for the District of New Jersey and United States Court of Appeals for the Third Circuit. He subsequently served as assistant legal counsel to the Governor of New Jersey, as a deputy attorney general for the State of New Jersey in the Division of Criminal Justice and as a member of the New Jersey Executive Commission on Ethical Standards. He has had over forty

years' experience in private practice litigating complex commercial cases. He has been repeatedly selected as a top-rated litigation attorney by Super Lawyers.

8. Mr. Raymar also has extensive experience in matters involving significant national public policy issues. He has served as a visiting lecturer at Princeton University's School of Public and International Affairs, on the Board of Trustees of the New Jersey Institute of Technology, and as a New Jersey delegate to several Democratic National Conventions. He was a member of the National Executive Committee of the Yale Law School Association and was twice president of the Yale Law School Association of New Jersey. He has been a member of the Boards of Directors of the Center for American Progress Action Fund, of One Fair Wage Action, and of the Advisory Council for the Alliance for Justice Building The Bench Initiative.

The Team

9. The Proposed Co-Lead Counsel team, which I assembled, has:
- devoted very substantial time and resources;
 - identified and developed the legal analyses that underpin this action;
 - investigated the facts in-depth underpinning this action;
 - demonstrated very substantial experience in handling class actions and, in particular, antitrust class actions;
 - deep and extensive knowledge of the applicable law;
 - deep and extensive subject matter expertise concerning higher education admissions and financial aid;
 - committed the resources to representing the class effectively;
 - after having been retained by certain lead Plaintiffs, consulted extensively with a Ph.D. economist who has substantial antitrust expertise;

- taken steps to protect the proposed Class from evidence spoliation;
 - served the complaint, summons and related materials on defendants;
 - served this Court's Order, dated January 10, 2022, on all defendants for whom counsel had not yet appeared; and
- pursuant to the Court's Order, initiated the process of meeting and conferring with counsel for Defendants to submit a Joint Status Report with the Court by February 15, 2022, and to participate in a case management conference on February 22, 2022.

10. The Proposed Co-Lead Counsel have effectively collaborated in accomplishing all the above. They have performed this work efficiently, demonstrating our ability to jointly lead the case. Therefore, I submit that these factors strongly favor Roche Freedman LLP, Gilbert Litigators & Counselors, P.C., and Berger Montague PC to be appointed as Interim Co-Lead Class Counsel in this case pursuant to Fed. R. Civ. P. 23(g).

11. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Hermosa Beach, California on February 8, 2022.

By:



Robert D. Gilbert